

HOUSE BILL REPORT

HB 1992

As Reported by House Committee On:

Juvenile Justice

Title: An act relating to communications to schools from juvenile justice and care agencies.

Brief Description: Providing for communications to schools from juvenile justice and care agencies.

Sponsors: Representatives Lantz and Woods.

Brief History:

Committee Activity:

Juvenile Justice: 2/21/01, 2/27/01 [DPS].

Brief Summary of Substitute Bill

- Requires law enforcement, under certain circumstances, to release information to a school regarding an investigation, diversion, or prosecution of a juvenile attending the school if:
 - a) the victim of the offense is another student or school employee and the offense was committed on school grounds or under school supervision; or
 - b) if the offense involved school property.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Marine, Republican Vice Chair; Armstrong, Darneille and Tokuda.

Minority Report: Do not pass. Signed by 2 members: Representatives Eickmeyer and Democratic Vice Chair; Carrell.

Staff: Trudes Hutcheson (786-7384).

Background:

There are certain circumstances when a juvenile justice agency must release information

to a third party regarding a juvenile. Juvenile justice or care agencies include, but are not limited to, law enforcement agencies, courts, prosecuting attorneys, and schools.

The official juvenile court file of a juvenile offender is open to public inspection unless sealed. The official juvenile court file is the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders.

Records other than the official juvenile court file are generally confidential. Records produced or kept by juvenile justice or care agencies may be released to other juvenile justice or care agencies only when an investigation or case involving the juvenile is being pursued by the juvenile justice or care agency or when that other agency is assigned the responsibility for supervising the juvenile.

In 1999 the Legislature enacted a provision authorizing law enforcement and prosecuting attorneys to release certain information to schools. Upon the arrest or decision to arrest, law enforcement and the prosecuting attorney may cooperate with schools in releasing information pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release incident reports to the extent possible to assist schools in protecting other students, staff, and school property.

Summary of Substitute Bill:

Upon an arrest or a decision to arrest, and upon the request of the school, law enforcement must release information to the school pertaining to investigations, incident reports, diversions, or prosecution of a juvenile attending the school if: (a) the victim of the offense is a school employee or student and the offense took place on school property or under school supervision; or (b) the offense involves school property.

If release of an incident report would jeopardize the investigation, prosecution, or endanger witnesses, law enforcement and prosecuting attorneys must release information to the extent possible to assist schools in protecting other students, staff, and school property.

The school may use information it receives only for the purposes of formulating or amending an educational plan for the student or for investigating misconduct for which disciplinary action may be imposed.

Substitute Bill Compared to Original Bill:

The substitute bill added the requirements that, before information can be released, there must be an arrest or decision to arrest and the school must request the information. The substitute also removed the requirement that the prosecuting attorney, in addition to law enforcement, release the information. Finally, the substitute clarified that the offense for which information can be released must be an offense committed on school property or under school supervision.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is difficulty in balancing safety of students at the school with the individual rights of the student. Release of the information should be at the request of the school. The school staff are responsible for providing a safe environment at school, but also to help troubled students. The schools need information from the police to determine if the student poses a danger. The purposes of the bills is to set up a process of communication between the schools and agencies. In addition to a communication problem between schools and police, the schools have concerns that they do not have statutory authority to use the information.

Testimony Against: None.

Testified: Representative Lantz, prime sponsor; Mitch Barker, Gig Harbor Police; John Biggs, Peninsula School District; Martha Harden, Superior Court Judges Association; Rainer Houser, Association of Washington School Principals; and Lorraine Wilson, Washington State School Directors' Association.